Before Mr. Justice Prinsep and Mr. Justice Beverley.

1886 *May* 20.

JODOONATH MUNDUL (DECREE-HOLDER) *v.* BROJO MOHUN GHOSE (JUDGMENT-DEBTOR) AND RAJ NARAIN GHOSE (AUCTION-PURCHASER.)*

Appeal—Sale in Execution of Decree—Civil Procedure Code, s. 294—Application for leave to bid—Decree-holder.

No appeal lies from an order passed under s. 294 of the Civil Procedure Code refusing permission to a decree-holder to bid at a sale in execution of his decree.

IN this case Jodoonath Mundul obtained a decree for arrears of rent against Brojo Mohun Ghose and others, and in execution of that decree he attached certain property belonging to the judgment-debtor, Brojo Mohun Ghose, and obtained an order for sale. He then applied to the Court executing the decree for permission to bid at the sale, but his application was rejected. From the order rejecting his application the decree-holder appealed to the High Court.

Baboo *Nil Madhub Bose* for the appellant.

Baboo *Bhubun Mohun Dass* for the respondents.

The judgment of the Court (PRINSEP and BEVERLEY, JJ.) was delivered by

PRINSEP, J.—This is an appeal against an order passed by the Munsiff refusing to give the decree-holder permission to purchase at a sale held in execution of a decree.

In our opinion no appeal lies against such an order. The appellant's pleader contends that an appeal lies under s. 588, cl. 16, but that clause seems to us to allow an appeal only against an order under s. 294 confirming or setting aside or refusing to set aside a sale of immoveable property, and not against an order refusing to give a decree-holder permission to bid. The appeal must therefore be dismissed with costs.

Appeal dismissed.

P. O'K.

* Appeal from Order No. 73 of 1886 against the order of Baboo Gopal Chunder Banerji, Munsiff of Bonegram in Jessore, dated the 28th of December 1885.